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MEMBER OF THE BAR OF:  
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CALIFORNIA  
DISTRICT OF COLUMBIA

June 7, 2010

Evan M. Norris, Esq.  
US Attorney's Office  
271 Cadman Plaza East  
Brooklyn, NY 11201

Dear Mr. Norris,

SUBJECT:-U.S.A. V. VOLKAN MERGAN 06-352(NGG)

This letter is being sent to you in connection with our recent conversation regarding the trial and subsequent conviction of my client, Mr. Volkan Mergen.

The theory of Mr. Mergen's defense were that his actions leading up to and including the period of January 24-26, 2006 were with the full knowledge, consent and approval of the FBI. In addition, during the lengthy period of 2001 through 2007, when Mr. Mergen worked for the FBI he never engaged in conduct that was outside of his duties as a confidential informant or cooperating individual.

After the January 2006 incident occurred Mr. Mergen and Special Wright had several meetings in public locations, during the period of May onward to discuss Mr. Mergen's relationship with the FBI and the threat of potential prosecution for the Hampton Court arson. Certain of these meetings were recorded by Mr. Mergen without the knowledge of Special Agent Wright

During the trial, Special Agent Wright was initially called as a prosecution witness to discuss his relationship with Mr. Mergen. He denied during cross examination that he ever said he felt "John" did anything wrong, was being not being pressured by the US Attorney's Office and that if "John" did not plead guilty bad things would happen. He was then confronted with a defense exhibit of a one hour CD that contradicted certain of his sworn statements. Special Agent Wright identified his voice and that of Mr. Mergen. The introduction of the CD was objected to by you and the Court sustained its admission into evidence. Had you not objected or the objection overruled then permitted the jury would have been permitted to hear the contradictions.

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Further, Special Agent Zampogna testified as to his actions and meetings with Mr. Mergen during the period of January 24-26, 2006. Mr. Mergen testified to a different version of the actions and meetings. As you recall, Mr. Mergen testified that he had given advanced notice to Special Agent Zampogna as to upcoming arson and urged that it be stopped. Special Agent Zampogna denied any such conversation occurred. Mr. Mergen testified how the Agents would make sure the recording device was turned off before they would speak with Mr. Mergen about the contents of the recorded conversations and the status of the investigation.

It is also without question that the testimony of both John Tuffarelli and Darrell Rosenblatt were lacking in truth. Specifically on the issue of the firearm given by Mr. Mergen, involvement in narcotics activity and the attempted robbery of the person operating an unlicensed check cashing business.

Mr. Mergen has volunteered to take a lie detector test to demonstrate his innocence

I send this correspondence to you, not only as Mr. Mergen's defense counsel but also as a member of the Bar. As a practicing attorney for many years, I can honestly state, based upon my knowledge and the record at trial, that if the conviction of Mr. Mergen is upheld it will represent a miscarriage of justice. I urge that you do not let this happen

Therefore I am asking that your office conduct an independent investigation of this case and the involvement of the FBI. I would recommend that a Special Prosecutor be designated whom has no connection with your office to avoid an appearance of a conflict of interest.. If no action is taken to correct this injustice and the matter is covered up then the integrity of our legal system and the Department of Justice will suffer.

Finally I can honestly state that in all my years of practice I have never made the request I am urging your office to take. It is important that the term justice not just be slogan, but a principle that is actually practiced and implemented. Without the adherence of all of us to that concept, the system becomes forever contaminated.

I await your response to my request.

Sincerely yours,

/S/

MARTIN J. SIEGEL

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